

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-002056-7

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 160th Avenue SE
Bellevue, Washington 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

CITY OF OAK HARBOR
865 - SE Barrington Drive
Oak Harbor, Washington 98277

<u>Outfall:</u> 001	<u>Outfall:</u> 002
<u>Plant Location:</u> 1501 SE City Beach Drive Oak Harbor, WA 98277	<u>Plant Location:</u> 60 E. Pioneer Avenue Oak Harbor, WA 98277
<u>Water Body I.D. No.:</u> WA-06-0010	<u>Water Body I.D. No.:</u> WA-06-0010
<u>Plant Type:</u> Rotating Biological Contactor (Secondary Treatment)	<u>Plant Type:</u> Aerated Lagoon with Anaerobic Pretreatment (Secondary Treatment)
<u>Receiving Water:</u> Oak Harbor (Class A Marine)	<u>Receiving Water:</u> Crescent Harbor (Class A Marine)
<u>Discharge Location:</u> Latitude: 48° 16' 59" N Longitude: 122° 38' 51" W	<u>Discharge Location:</u> Latitude: 48° 17' 18" N Longitude: 122° 36' 17" W

is authorized to discharge in accordance with the Special and General Conditions that follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS.....	4
SPECIAL CONDITIONS	
S1. DISCHARGE LIMITATIONS.....	6
A. Effluent Limitations	
B. Mixing Zone Descriptions	
S2. MONITORING REQUIREMENTS.....	10
A. Monitoring Schedule	
B. Sampling and Analytical Procedures	
C. Flow Measurement	
D. Laboratory Accreditation	
S3. REPORTING AND RECORDKEEPING REQUIREMENTS	13
A.1. Reporting	
A.2. Process Monitoring Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
F. Maintaining a Copy of This Permit	
G. Reporting - Shellfish Protection	
S4. FACILITY LOADING	15
A. Design Criteria	
B. Plans for Maintaining Adequate Capacity	
C. Duty to Mitigate	
D. Notification of New or Altered Sources	
E. Infiltration and Inflow Evaluation	
F. Waste Load Assessment	
S5. OPERATION AND MAINTENANCE.....	17
A. Certified Operator	
B. O & M Program	
C. Short-term Reduction	
D. Electrical Power Failure	
E. Prevent Connection of Inflow	
F. Bypass Procedures	
G. Operations and Maintenance Manual	
S6. PRETREATMENT	21
A. General Requirements	
B. Wastewater Discharge Permit Required	
C. Identification and Reporting of Existing, New, and Proposed Industrial Users	
D. Annual Submittal of List of Industrial Users	
E. Duty to Enforce Discharge Prohibitions	

S7.	RESIDUAL SOLIDS.....	23
S8.	ACUTE TOXICITY – DISCHARGE #002	23
A.	Effluent Limit for Acute Toxicity	
B.	Monitoring for Compliance With an Effluent Limit for Acute Toxicity	
C.	Response to Noncompliance With an Effluent Limit for Acute Toxicity	
D.	Sampling and Reporting Requirements	
E.	Removal of Testing Requirement	
S9.	CHRONIC TOXICITY – DISCHARGE #002.....	26
A.	Effluent Characterization	
B.	Sampling and Reporting Requirements	
S10.	SEDIMENT MONITORING – DISCHARGE #001.....	28
A.	Sediment Sampling and Analysis Plan	
B.	Sediment Data Report	
S11.	OUTFALL EVALUATION – DISCHARGE #002	28

GENERAL CONDITIONS

G1.	SIGNATORY REQUIREMENTS.....	29
G2.	RIGHT OF INSPECTION AND ENTRY	30
G3.	PERMIT ACTIONS.....	30
G4.	REPORTING PLANNED CHANGES.....	31
G5.	PLAN REVIEW REQUIRED	32
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES	32
G7.	DUTY TO REAPPLY	32
G8.	TRANSFER OF THIS PERMIT	32
G9.	REDUCED PRODUCTION FOR COMPLIANCE	33
G10.	REMOVED SUBSTANCES	33
G11.	DUTY TO PROVIDE INFORMATION.....	33
G12.	OTHER REQUIREMENTS OF 40 CFR.....	33
G13.	ADDITIONAL MONITORING.....	33
G14.	PAYMENT OF FEES.....	33
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS	33
G16.	UPSET	34
G17.	PROPERTY RIGHTS.....	34
G18.	DUTY TO COMPLY	34
G19.	TOXIC POLLUTANTS.....	34
G20.	PENALTIES FOR TAMPERING	35
G21.	REPORTING ANTICIPATED NONCOMPLIANCE	35
G22.	REPORTING OTHER INFORMATION.....	35
G23.	COMPLIANCE SCHEDULES	35

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.1.	Discharge Monitoring Report	Monthly	July 15, 2005
S3.A.2.	Lagoon Anaerobic Cell Process Monitoring Data	Monthly	July 15, 2005
S3.E.	Noncompliance Notification	As necessary	
S3.G.	Shellfish Protection	As necessary	
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	
S4.D.	Notification of New or Altered Sources	As necessary	
S4.E.	Infiltration and Inflow Evaluation	1/permit cycle	November 26, 2009
S4.F.	Waste Load Assessment	1/year	December 31, 2005
S5.G.	Operations and Maintenance Manual	As necessary	
S6.D.	Industrial User Survey	1/year	December 31, 2005
S8.B.	Acute Toxicity Compliance Monitoring Reports – Discharge #002	quarterly	November 30, 2005 (for sampling completed by September 30, 2005)
S8.C.	Acute Toxicity Report: “Causes and Preventative Measures for Transient Events” – Discharge #002	As necessary	
S8.C.	Acute Toxicity TI/TRE Plan – Discharge #002	As necessary	
S9.A.	Chronic Toxicity Effluent Characterization with Permit Renewal Application – Discharge #002	2/permit cycle	November 26, 2009 (for winter sampling to be completed by April 30, 2009 and summer sampling to be completed by September 30, 2009)
S10.A.	Sediment Baseline Sampling and Analysis Plan – Discharge #001	1/permit cycle	May 31, 2006
S10.B.	Sediment Chemistry Analyses – Discharge #001	1/permit cycle	May 31, 2007

Permit Section	Submittal	Frequency	First Submittal Date
S11.	Outfall Evaluation – Discharge #002	1/permit cycle	November 26, 2009
G1.	Notice of Change in Authorization	As necessary	
G4.	Reporting Planned Changes	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	November 26, 2009
G21.	Reporting Anticipated Noncompliance	As necessary	
G22.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge municipal wastewater at the permitted location subject to complying with the following limitations:

EFFLUENT LIMITATIONS^a: DISCHARGE # 001		
Parameter	Average Monthly	Average Weekly
Carbonaceous Biochemical Oxygen Demand (5-day)	25 mg/L, 146 lbs/day 85% removal of influent BOD	40 mg/L, 233 lbs/day
Total Suspended Solids	30 mg/L, 175 lbs/day 85% removal of influent TSS	45 mg/L, 263 lbs/day
Fecal Coliform Bacteria	200/100 mL	400/100 mL
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Parameter	Average Monthly	Maximum Daily^b
Total Residual Chlorine ^c	0.114 mg/L	0.26 mg/L
^a The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		
^c This effluent limit applies whenever chlorine is used in the facility. If no chlorine is used during the monitoring period enter “no discharge of chlorine” on the DMR for the period.		

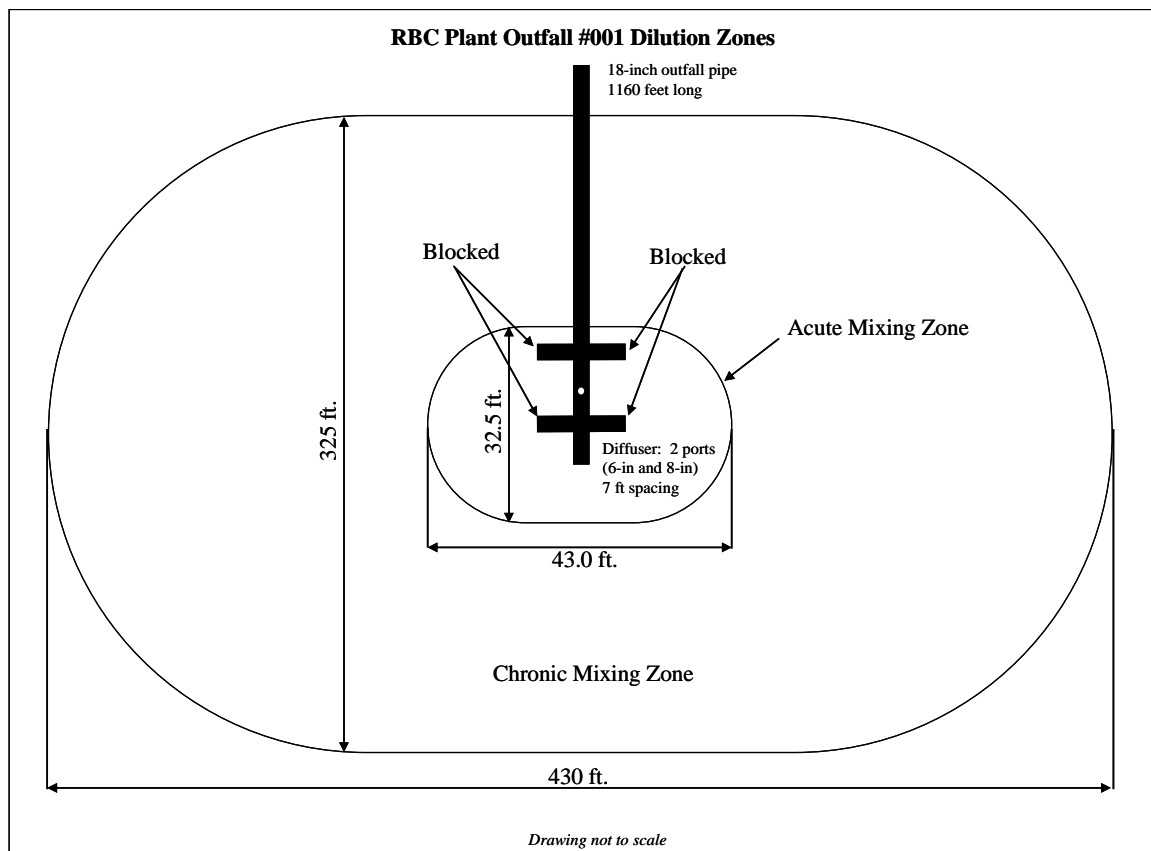
EFFLUENT LIMITATIONS ^a : DISCHARGE # 002		
Parameter	Average Monthly	Average Weekly
Carbonaceous Biochemical Oxygen Demand (5-day)	25 mg/L, 521 lbs/day 85% removal of influent BOD	40 mg/L, 834 lbs/day
Total Suspended Solids	75 mg/L, 1564 lbs/day 65% removal of influent TSS	110 mg/L, 2294 lbs/day
Fecal Coliform Bacteria	200/100 mL	400/100 mL
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Parameter	Average Monthly	Maximum Daily ^b
Total Residual Chlorine ^c	0.5 mg/l	0.75 mg/l
Acute Toxicity	No toxicity in 1.0% Effluent	
^a The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		
^c This effluent limit applies whenever chlorine is used in the facility. If no chlorine is used during the monitoring period enter “no discharge of chlorine” on the DMR for the period.		

B. Mixing Zone Descriptions

Secondary treated and disinfected effluent from the RBC Plant is discharged via outfall #001 through an 1160-foot long, 18-inch corrugated steel outfall pipe. As described in the fact sheet, the outfall is equipped with a diffuser consisting of a 6-inch port that discharges vertically and an 8-inch port that discharges horizontally. The outfall terminates at a depth of -15 feet MLLW at a constricted section of Oak Harbor. The mixing zone for this discharge shall conform to the following dimensions and limitations:

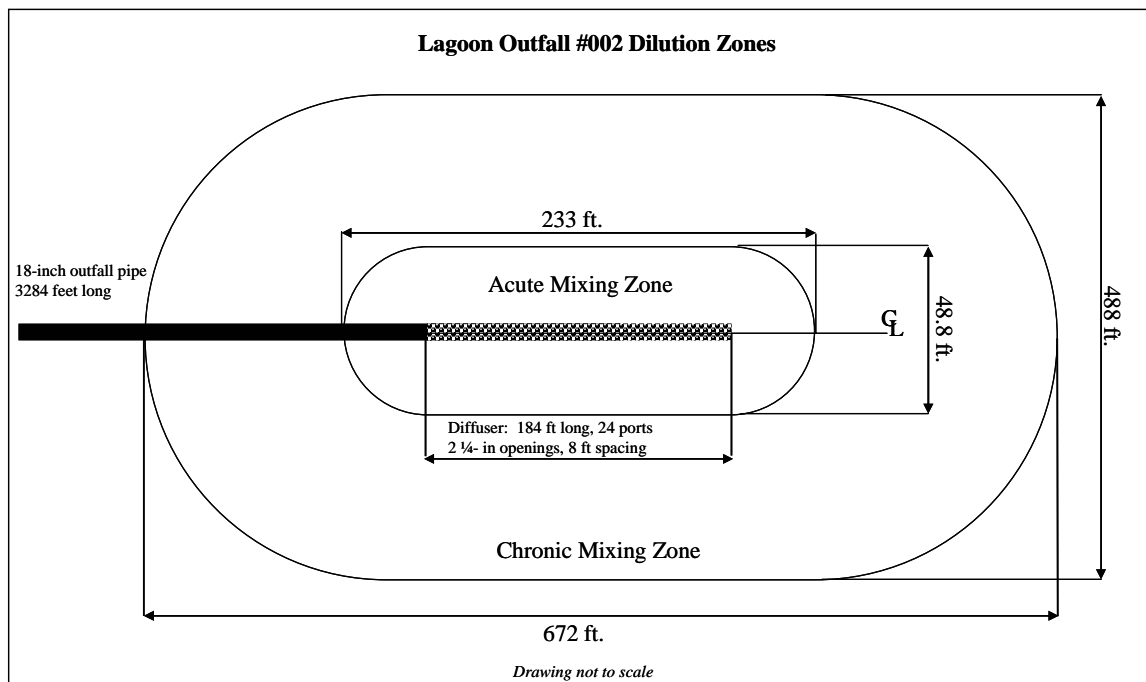
1. The acute and chronic mixing zones extend vertically from the outfall diffuser to an upper boundary at the water surface. The most restrictive upper boundary occurs at Mean Lower Low Water (MLLW).

2. The allowable zone of chronic criteria exceedance shall not occupy more than 25% of the constricted width of the water body at MLLW and shall not extend more than 200 feet plus the depth of water at MLLW from each port. For this location, the chronic mixing zone, as shown in the following illustration, will have an allowable width of 325 feet in the direction parallel to the outfall line and 430 feet in the direction perpendicular to the outfall line.
3. The allowable zone of acute criteria exceedance shall be no more than 10% of the dimensions of the chronic mixing zone. For this outfall, the acute mixing zone will be allowed a width of 32.5 feet in the direction parallel to the outfall line and 43 feet in the direction perpendicular to the outfall line.
4. The minimum dilution at the edge of the chronic criteria exceedance shall be 50:1.
5. The minimum dilution at the edge of the zone of acute criteria exceedance shall be 19:1.



Secondary treated and disinfected effluent from the Seaplane Lagoon facility is discharged via outfall #002 through a 3284-foot long, 18-inch outfall pipe. The outfall is equipped with a 184-foot long diffuser section, consisting of 24 ports with 2 1/4" diameters spaced alternately on 8-foot centers. The ports discharge horizontally at the center of the spring line of the diffuser. The outfall terminates at a depth of -44 feet MLLW in Crescent Harbor. The mixing zone for this discharge shall conform to the following dimensions and limitations:

6. The acute and chronic mixing zones extend vertically from the outfall diffuser to an upper boundary at the water surface. The most restrictive upper boundary occurs at Mean Lower Low Water (MLLW).
7. The allowable zone of chronic criteria exceedance shall not extend more than 200 feet plus the depth of water at MLLW from each port. For this location, the chronic mixing zone, as shown in the following illustration, will have an allowable width of 488 feet in the direction parallel to the outfall line and 672 feet in the direction perpendicular to the outfall line.
8. The allowable zone of acute criteria exceedance shall be no more than 10% of the dimensions of the chronic mixing zone. For this outfall, the acute mixing zone will be allowed a width of 233 feet in the direction parallel to the outfall line and 48.8 feet in the direction perpendicular to the outfall line.
9. The minimum dilution at the edge of the chronic criteria exceedance shall be 138:1, which equates to a Chronic Critical Effluent Concentration (CCEC) of 0.7% effluent.
10. The minimum dilution at the edge of the zone of acute criteria exceedance shall be 97:1, which equates to an Acute Critical Effluent Concentration (ACEC) of 1.0% effluent.



S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

- The Permittee shall monitor in accordance with the following schedule for the Rotating Biological Contactor Plant, Discharge #001:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Influent	BOD ₅	mg/l	Influent	2/month	24-hr composite
“	CBOD ₅	mg/l	Influent	2/week	24-hr composite
“	TSS	mg/l	Influent	2/week	24-hr composite
Wastewater Effluent	Flow	MGD	Effluent	Continuous	Recording
“	CBOD ₅	mg/l	Effluent	2/week	24-hr composite
“	TSS	mg/l	Effluent	2/week	24-hr composite
“	pH	Standard Units	Effluent	Daily	Grab
“	Chlorine	mg/l	Effluent	Daily	Grab
“	Fecal Coliform	Org./100 ml	Effluent	2/week	Grab
“	Ammonia	mg/l as N	Effluent	2/year (during the period of October through February)	24-hr composite
“	Dissolved oxygen, total Kjeldahl nitrogen, NO ₃ +NO ₂ -N, oil & grease, total phosphorus, total dissolved solids				
		mg/l	Effluent	3/permit cycle*	
Sediment	Toxicity		Region near outfall	1/permit cycle	See Condition S10
*To be submitted with the next application for permit renewal					

2. The Permittee shall monitor in accordance with the following schedule for the Rotating Biological Contactor Plant, Discharge #002:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Influent	BOD ₅	mg/l	Influent	2/month	24-hr Composite
“	CBOD ₅	mg/l	Influent	2/week	24-hr composite
“	TSS	mg/l	Influent	2/week	24-hr Composite
Wastewater Effluent	Flow	MGD	Effluent	Continuous	Recording
“	CBOD ₅	mg/l	Effluent	2/week	24-hr composite
“	TSS	mg/l	Effluent	2/week	24-hr composite
“	pH	Standard Units	Effluent	Daily	Grab
“	Chlorine	mg/l	Effluent	Daily	Grab
“	Fecal Coliform	Org./ 100 ml	Effluent	2/week	Grab
“	Dissolved oxygen, total Kjeldahl nitrogen, NO ₃ +NO ₂ -N, oil & grease, total phosphorus, total dissolved solids				
		mg/l	Effluent	3/permit cycle*	
“	Priority pollutant scan for metals, volatile organics, acid extractables, base neutrals, cyanide, total phenolics and hardness. See EPA Application for complete list of compounds and applicable units.				
			Effluent	3/permit cycle*	
Effluent	Acute Whole Effluent Toxicity - limit compliance testing. See Section S8.A.		Effluent, prior to chlorination	1/3 months	24-hr composite
Effluent	Chronic Whole Effluent Toxicity – characterization. See Section S9.A.		Effluent, prior to chlorination	2/year in the last year of the permit.*	24-hr composite
*To be submitted with the next application for permit renewal					

3. In addition to the monitoring listed above, process monitoring of the anaerobic pretreatment cell at the Lagoon Facility is required to demonstrate treatment abilities as “New or Developmental Technology.” Process monitoring, according to the following schedule, will remain in effect until December 31, 2005. Monitoring data shall be submitted with monthly Discharge Monitoring Reports for Outfall #002.

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Anaerobic Cell Process	CBOD ₅	mg/l	Anaerobic Cell Overflow	1/week	24-hr composite
“	Soluble CBOD ₅	mg/l	Anaerobic Cell Overflow	1/week	24-hr composite
“	TSS	mg/l	Anaerobic Cell Overflow	1/week	24-hr composite
“	pH	Standard Units	Anaerobic Cell Overflow	Daily	Grab
“	Alkalinity	mg/l	Anaerobic Cell Overflow	1/week	Grab
“	Dissolved Oxygen	mg/l	Anaerobic Cell Overflow	Daily	Grab

Anaerobic cell process monitoring shall also include an evaluation of odors produced by the facility. Included in this evaluation is a determination by city staff of the distance from the facility where odors are noticeable along with a record of any citizen complaints regarding odors from the lagoon area.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A.1. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 – 160th Avenue SE, Bellevue, Washington 98008.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

A.2. Process Monitoring Reporting

Reporting shall also include submittal of process monitoring data for the anaerobic pretreatment cell, as outlined in Section S2.A.3. Monitoring data shall be submitted with monthly Discharge Monitoring Reports for the Lagoon Facility. Process monitoring requirements for the anaerobic pretreatment cell expire December 31, 2005. The final submission of data will be due no later than January 15, 2006.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.
3. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets, bypasses and spills), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the treatment plant and be made available upon request to the public or Ecology inspectors.

G. Reporting - Shellfish Protection

Unauthorized discharges, such as collection system overflows, plant bypasses, or failure of the disinfection system, shall be reported immediately to the Department of Ecology and the Department of Health, Shellfish Program. The Department of Ecology's Northwest Regional Office 24-hr. number is (425) 649-7000, and the Department of Health's Shellfish 24-hr. number is (360) 236-3330.

S4. FACILITY LOADING

A. Design Criteria

Flows or waste loadings of the following design criteria for the Rotating Biological Contactor treatment facility shall not be exceeded:

Average flow for the maximum month:	0.7 MGD
BOD ₅ loading for maximum month:	2000 lbs/day

Flows or waste loadings of the following design criteria for the Lagoon treatment facility shall not be exceeded:

Average flow for the maximum month:	2.5 MGD
BOD ₅ loading for maximum month:	4580 lbs/day
TSS loading for maximum month:	5130 lbs/day

B. Plans for Maintaining Adequate Capacity

The Permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

1. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; or
2. When the projected increase would reach design capacity within five years,

whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
3. Limitation on future sewer extensions or connections or additional waste loads.
4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. If the Permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittee shall prepare a report that summarizes any measurable infiltration and inflow. The report shall also include a summary of maintenance activities undertaken to correct or prevent excessive infiltration and inflow.
2. The report shall be submitted with the next application for permit renewal.

F. Waste Load Assessment

The Permittee shall conduct an annual assessment of their flow and waste load and submit a report to the Department by December 31, 2005, and annually thereafter. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and (except for the first report) the percentage increase in these parameters since the last annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

S5. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

An operator certified for at least a Class II plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class I plant shall be in charge during all regularly scheduled shifts.

B. O & M Program

The Permittee shall institute an adequate operation and maintenance program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, thirty (30) days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class II (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions, except vital components used to support the secondary processes (i.e., mechanical aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated, and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. The Department is properly notified of the bypass as required in Condition S3E of this permit.
3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of

bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

G. Operations and Maintenance Manual

The approved Operations and Maintenance (O&M) manual shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

The O&M manual shall be reviewed by the Permittee at least annually for accuracy and updated content. Substantial changes or updates to the O&M manual shall be submitted to the Department for review and approval whenever they are incorporated into the manual.

S6. PRETREATMENT

A. General Requirements

The Permittee shall work with the Department to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

B. Wastewater Discharge Permit Required

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

C. Identification and Reporting of Existing, New, and Proposed Industrial Users

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of fact sheet for definitions).
2. Within thirty (30) days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittee shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same thirty (30)-day period.
3. The Permittee shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to the Department for a State Waste Discharge Permit within thirty (30) days of such change.

D. Annual Submittal of List of Industrial Users

The Permittee shall submit annually to the Department a list summarizing all existing and proposed SIUs and PSIUs. This list must be received by the Department by December 31 of each year of the permit.

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.

2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
 - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
 - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
 - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
 - d. Any pollutant, including oxygen-demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
 - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
 - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40° C (104° F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
 - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
 - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
3. All of the following are prohibited from discharge to the POTW unless approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
 - a. Noncontact cooling water in significant volumes.
 - b. Stormwater, and other direct inflow sources.

- c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
- 4. The Permittee shall notify the Department if any industrial user violates the prohibitions listed in this section.

S7. RESIDUAL SOLIDS

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters.

S8. ACUTE TOXICITY – DISCHARGE #002

A. Effluent Limit for Acute Toxicity

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Section S1.B of this permit. The ACEC equals 1.0 % effluent.

In the event of failure to pass the test described in Subsection B of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in Subsection C are being met to the satisfaction of the Department.

B. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for acute toxicity. The acute toxicity tests shall be performed using at a minimum 100% effluent, the ACEC, and a control. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section. Testing shall begin within sixty (60) days of the permit effective date. A written report shall be submitted to the Department within sixty (60) days after the sample date. The percent survival in 100% effluent shall be reported along with all compliance monitoring results.

Compliance monitoring shall be conducted quarterly using each of the species and protocols listed below on a rotating basis:

- 1) Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA/600/4-90/027F)

- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F).

The Permittee is in violation of the effluent limit for acute toxicity in Subsection A and shall immediately implement Subsection C if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

C. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If a toxicity test conducted for compliance monitoring under Subsection B determines a statistically significant difference in response between the ACEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the ACEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for acute toxicity as described in Subsection B. The discharger shall return to the original monitoring frequency in Subsection B after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within sixty (60) days after the sample date. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

D. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection A and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.
6. Effluent samples for whole effluent toxicity testing shall be collected just prior to the chlorination step in the treatment process.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.

E. Removal of Testing Requirement

After successful demonstration of compliance with the acute performance limit for a period of three consecutive testing years (twelve consecutive successful tests), the Permittee may request removal of the performance limit test requirement. Upon receipt of the request the Department shall review the history of testing results. If the department concurs that successful performance has been demonstrated, the limit testing requirement will be removed. The Permittee will still be required to perform characterization testing of the final effluent once on the last summer and once in the last winter prior to submission of application for permit renewal. Characterization testing shall use the same procedures established for compliance testing.

S9. CHRONIC TOXICITY – DISCHARGE #002

A. Effluent Characterization

The Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. Winter sampling shall be completed by April 30, 2009; summer sampling shall be completed by September 30, 2009. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to the Department as a part of the permit renewal application process.

The Permittee shall conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control in order to be able to determine appropriate point estimates and an NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC) of 1.0% effluent and the Chronic Critical Effluent Concentration (CCEC) of 0.7% effluent. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocols:

Saltwater Chronic Toxicity Test Species		Method
Topsmelt	<i>Atherinops affinis</i>	EPA/600/R-95/136
Mysid shrimp	<i>Holmesimysis costata</i> or <i>Mysidopsis bahia</i>	EPA/600/R-95/136 or EPA/600/4-91/003

The Permittee shall use the West Coast mysid (*Holmesimysis costata*) for toxicity testing unless the lab cannot obtain a sufficient quantity of a West Coast species in good condition in which case the East Coast mysid (*Mysidopsis bahia*) may be substituted.

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection A and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.
6. Effluent samples for whole effluent toxicity testing shall be collected just prior to the chlorination step in the treatment process.
7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC. The ACEC and CCEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.
8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S10. SEDIMENT MONITORING – DISCHARGE #001

A. Sediment Sampling and Analysis Plan

The Permittee shall submit to the Department for review and approval a Sediment Sampling and Analysis Plan for sediment monitoring no later than one year after permit effective date. The purpose of the plan is to characterize sediment quality in the vicinity of the Rotating Biological Contactor plant's Outfall #001. The Permittee shall follow the guidance provided in the Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan (Ecology, 2003).

The Sediment Sampling and Analysis Plan shall include a minimum of 6 stations in the vicinity of the discharge.

B. Sediment Data Report

Following Department approval of the Sediment Sampling and Analysis Plan, sediments will be collected and analyzed. The Permittee shall submit to the Department a Sediment Data Report containing the results of the sediment sampling and analysis no later than 12 months after Department approval of sediment sampling and analysis plan or within 3 years after permit effective date, whichever occurs first. The Sediment Data Report shall conform with the approved Sampling and Analysis Plan. The Data Report shall include electronic copies of the sediment chemical and biological data reported in the Department's current Sediment Quality Information System (SEDQUAL) template format.

S11. OUTFALL EVALUATION – DISCHARGE #002

The Permittee shall inspect the submerged portion of the Lagoon Facility Outfall (#002) line and diffuser to document its integrity and continued function. The inspection shall evaluate the condition of the pipe material and diffuser section and determine if any ports are hindered by sediment deposition and/or marine growth. The results of the inspection shall be submitted in a brief report to the Department by December 31, 2008, together with recommendations for any needed maintenance or repairs. If conditions allow for a photographic verification, it shall be included in the report.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

- 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b);
- 2) a significant change in the nature or an increase in quantity of pollutants discharged; or
- 3) a significant change in the Permittee's sludge use or disposal practices.

Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred and eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
- 2) the permitted facility was being properly operated at the time of the upset;
- 3) the Permittee submitted notice of the upset as required in Condition S3.E; and
- 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.